

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

In re Application of: Mathias Destarac, et al. Docket No.: 60838.000410
 Application Number: 10/507,329 Art Unit: 1796
 Filed: January 31, 2005 Examiner: Robert D. Harlan
 Title: **Use of block copolymers bearing phosphate and/or phosphonate functions as adhesion promoters or as protecting agents against the corrosion of a metallic surface**
 Owner Of Record: **RHODIA CHIMIE (recorded at Reel 015627/Frame 0241)**

The owner*, RHODIA CHIMIE
 of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent Application No. 10/507,330 filed on April 1, 2005.

as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

(1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid by a court of competent jurisdiction; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321; (5) has all claims canceled by a reexamination certificate; (6) is reissued; or (7) is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ **The undersigned is an attorney or agent of record.** Reg. No. 52,467

3. ☒ **The Commissioner is hereby authorized to charge the required terminal disclaimer fee under 37 C.F.R. §1.20(d) of \$130.00 to Deposit Account No. 50-0206.**

PTO suggested wording for terminal disclaimer was

☒ **unchanged.** ☐ **changed (if changed, an explanation should be supplied).**

March 4, 2008

Date

Dwight M. Benner II, Reg. No. 52,467

Typed or Printed Name

1900 K Street, N.W., Suite 1200

Address

Attorney of Record

Title

Washington, D.C. 20006

HUNTON & WILLIAMS, LLP

City/State/ZIP Code

Company Name